

Entered - 9-22-00 - sb
CL 00L0586- GWENDOLYN BURNS

CLAIM OF: **SAMUEL FRANKS**
through his attorney,
Daniel Shim,
MORRIS, LOBER & DOBSON, LLC
One Park Towers, Suite 2580
34 Peachtree Street, NW
Atlanta, Georgia 30303

01-R-1815

For bodily injuries alleged to have been sustained as a result of an automobile accident on May 31, 2000 at the intersection of Jonesboro Road, SE & School Drive, SE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **SAMUEL FRANKS, through his attorney, Daniel Shim, MORRIS, LOBER & DOBSON, LLC** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained as a result of an automobile accident on May 31, 2000 at the intersection of Jonesboro Road, SE & School Drive, SE. as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0586

Date: October 30, 2001

Claimant /Victim SAMUEL FRANKS

BY: (Atty) (Ins. Co.) Daniel Shim, Esq., MORRISS, LOBER & DOBSON, LLC

Address: One Park Tower, 34 Peachtree Street, NW, Suite 2580, Atlanta, Georgia 30303

Subrogation: Claim for Property damage \$ Bodily Injury \$ 84,764.15

Date of Notice: 9/20/00 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 5/31/00 Place: Jonesboro Road & School Drive

Department POLICE Division

Employee involved Berry Dampier, Jr. Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: Claimant sustained extensive bodily injuries when his vehicle was struck by a police vehicle that "failed to yield when entering an intersection" while responding to an emergency call. The city driver was cited for same.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver X Claimant Driver X
Citation disposition: City Driver Claimant Driver

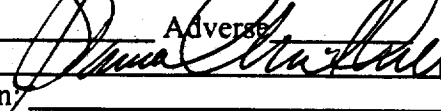
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager:  Concur/date 10-31-01
Committee Action Council Action

MORRISS, LOBER & DOBSON, LLC

ATTORNEYS AT LAW
ONE PARK TOWER • SUITE 2580
34 PEACHTREE STREET, N.W.
ATLANTA, GEORGIA 30303

(404) 525-8000

Daniel Shim, P.C.
DShim@MLDlaw.net

Burns
09/20/00
DLS

FACSIMILE
(404) 525-2573

ENTERED - 9-22-00 - SB
00L0586 -GWEN BURNS

September 19, 2000

VIA CERTIFIED MAIL NO. 7099 3400 0000 1707 7903
RETURN RECEIPT REQUESTED

Mr. Bill Campbell
MAYOR'S OFFICE - CITY OF ATLANTA
attn: Claims
55 Trinity Avenue, S.W.
Atlanta, GA 30335

Re: Our Clients: Samuel and Sally Franks
Your Insured: City of Atlanta Police Department and Berry J.
Darapier, Jr.
Date of Loss: 05/31/00

Dear Mr. Campbell:

Please be advised that we have been retained by the above-referenced clients in connection with personal injuries they sustained in a motor vehicle accident occurring with your insured driver, who was employed by the City of Atlanta and operating a City of Atlanta Police Department patrol car at the time of this accident.

You may consider this correspondence as an ante-litem notice of the Franks' claims for personal injury and property damage arising out of this accident. You may wish to note that your insured driver was cited for this accident for failing to yield while entering the intersection of Jonesboro Road and School Drive, located in Fulton County, City of Atlanta. Enclosed, you will find an incident report detailing this accident.

As a result of this accident, the Franks' have sustained in excess of \$4,000.00 damage to their 1992 Chevrolet Cavalier, and have incurred medical expenses in an amount to be determined. These expenses include fees for ambulance service from the scene of the accident to Grady Memorial Hospital, treatment at Grady Memorial Hospital for fractures, trauma and soft tissue injuries and follow up care with various doctors and physical therapists. All medical records will be forwarded to you for consideration once the full extent of the Franks' injuries become known.

Mayor Bill Campbell
September 19, 2000
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Pursuant to OCGA Section 33-3-28(a)(1), please also consider this correspondence as a request for a sworn statement of a corporate officer or claim manager of the City of Atlanta or its insurer, setting forth the name of each insured and the limits of coverage with regard to each known policy of insurance issued, including excess or umbrella insurance, within sixty days of the above date. Please also note that you are required under the Georgia code to disclose within thirty (30) days of this request, the name of each known insurer which may be liable for our client's damages.

In lieu of the above, you may provide a copy of the declaration page of each policy of insurance. I look forward to the favor of your reply.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'Daniel Shim', with a long horizontal line extending to the right.

Daniel Shim

enclosures